

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR:** 7204

**Respondents:** Foster Campbell for U.S. Senate  
and Ron Roberts, as treasurer  
(the "Committee")

**Complaint Receipt Date:** December 2, 2016

**Complaint Supplement Receipt Date:** July 31, 2017

**Response Date:** January 24, 2017

**Supplement Response Date:** November 29, 2017

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30104(b)(8);  
11 C.F.R. §§ 104.3(d), 104.11(a)-(b), 116.10(a)**

The Complaint alleges that the Committee failed to timely and accurately report debt for fundraising consulting services.<sup>1</sup> A Supplement to the Complaint claims that although the debt reporting has been corrected, the Committee still owes Complainant \$43,750. Respondents assert that the Committee initially reported payments to the Complainant and later amended its reports to reflect any disputed debt between the parties.<sup>2</sup>

The Act and Commission regulations require political committees to continuously report the amount and nature of outstanding debts until those debts are extinguished.<sup>3</sup> When there is a disputed debt, the political committee must report the disputed debt if the creditor has provided

<sup>1</sup> Foster Campbell lost in the 2016 Louisiana Senate Runoff election, with 39.3% of the vote.

<sup>2</sup> The Committee's Campaign Finance Reports show two payments for services to the Complainant in the amount of \$5,500 each on May 12, 2016 and June 2, 2016, *see* Foster Campbell for U.S. Senate 2016 Pre-Primary Report at 161, 163, and one payment in the amount of \$5,000 on October 5, 2016, *see* Foster Campbell for U.S. Senate 2016 Pre-General Report at 61. The Committee did not initially report the full debt that the Complainant claimed was owed, but since then has consistently reported disputed debt claimed by the Complainant in amendments to the original reports. The most recent report filed by the Committee discloses a \$2,500 debt owed to the Complainant, as well as disputed debts claimed by the Complainant totaling \$41,250, *see* Foster Campbell for U.S. Senate 2017 October Quarterly Report at 11, 13, 16 (filed on October 13, 2017).

<sup>3</sup> 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(a)-(b). This reporting requirement applies both to "disputed debts," *see* 11 C.F.R. §§ 116.1(d), 116.10(a), and "estimated debts," *see* 11 C.F.R. § 104.11(b).

something of value to the political committee.<sup>4</sup> Until the dispute is resolved, the political committee must disclose any amounts paid to the creditor, any amount the political committee admits it owes, and the amount the creditor claims is owed.<sup>5</sup>

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the fact that the Committee has now reported the disputed debt, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>6</sup> We also recommend that the Commission close the file as to all the respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

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<sup>4</sup> 11 C.F.R. § 116.10(a).

<sup>5</sup> *Id.*

<sup>6</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

